

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HECTOR MORALES and ISABEL ORTIZ,

Plaintiffs,

-against-

THE CITY OF NEW YORK, DETECTIVE JEFFREY CARROLL, SHIELD # 006136, and UNIDENTIFIED NEW YORK CITY POLICE OFFICERS, EMPLOYEES AND AGENTS, individually and in their official capacities as detectives and/or officers of the New York City Police Department,

Defendants.

STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE

07 CV 7511 (WHP)(RLE)

UNPUBLISHED
DOCUMENT
EXCLUSIVELY FOR
DATE FILED 3/23/08

WHEREAS, plaintiffs commenced this action by filing a complaint on or about August 24, 2007, alleging that defendants violated their federal civil rights and their rights under New York State law, and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff Isabel Ortiz the total sum of TEN THOUSAND DOLLARS (\$10,000) in full satisfaction of all claims,

including claims for costs, expenses and attorney fees. In consideration for the payment of these sums to Isabel Ortiz, plaintiffs Hector Morales and Isabel Ortiz agree to the dismissal of all the claims against the City of New York and Detective Jeffrey Carroll and to release the City of New York, Jeffrey Carroll and any present or former employees or agents of the New York City Police Department and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff Isabel Ortiz shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

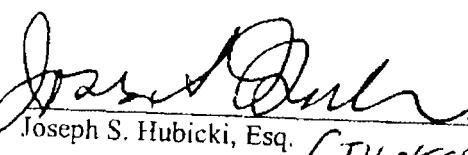
matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
Feb. 15, 2008

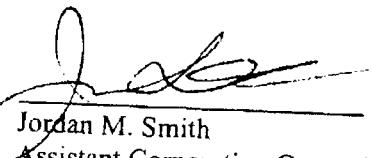
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By:


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The Clerk of the Court is directed
to terminate all pending motions as of
March 17, 2008 as moot and close the case.
SO ORDERED:


U.S.D.J.

3/17/08